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## A Comparative Study of Public Library Laws in China, Japan, and South Korea: Postprint

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### Abstract

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### Full Text

### Preamble

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### A Comparative Study of Public Library Laws in China, Japan, and South Korea

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## Abstract

**[Purpose/Significance]** By comparing relevant contents of public library laws in Japan and South Korea, this study provides reference and guidance for the development and improvement of China's public library law. **[Method/Process]** The paper first introduces the current legislative status of public library laws in China, Japan, and South Korea, then compares and analyzes their similarities and differences in legislative overview, legal system, management structure, staffing, and service content. **[Result/Conclusion]** Three implications are proposed for the development of China's library law: improving the public library legal system, clarifying entry thresholds for librarians, and establishing quantitative standards for funding investment, with the aim of promoting better development of library services.

**Keywords:** South Korea; Japan; China; public library law

**Classification Number:** G259

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Library law refers to legislation enacted or recognized by national legislative bodies through certain legal procedures, reflecting national policies for library management and serving as the fundamental guideline for establishing and managing libraries, as well as formulating administrative regulations and rules [1]. The Public Libraries Act passed by the British Parliament in 1850 was the world's first national public library law, marking the beginning of "using legislative means to protect and promote library development." Since then, countries have formulated library laws suitable for their national contexts.

As major countries in Northeast Asia, Japan and South Korea enacted their respective Library Laws in 1950 and 1963, continuously enriching and revising their contents throughout subsequent development, providing valuable references for China's public library law development. South Korea has implemented legislative regulation over its library services. The current 2006 Library Law includes a dedicated Chapter 4 specifying provisions for public libraries, comprising 12 articles. Through continuous amendments, South Korea's library law has become increasingly comprehensive, providing clear legal guidance for library work. The construction and improvement of library legal systems have significantly enhanced the seriousness, standardization, and enforceability of library work in South Korea, contributing to the preservation, development, and utilization of scientific and cultural heritage [2].

## 2.2 Development of Japan's Public Library Law

In 1899, the Japanese Emperor promulgated the "Library Order" in the form of an imperial decree, representing Japan's first law regulating library services. This decree provided legal protection for library development to a certain extent. The Library Law enacted in April 1950 currently serves as a reference for Japan's library system. Different countries have different cultural backgrounds, and their library systems vary accordingly. This study compares the legislative

overview, legal system, management structure, staffing, and service content of public library laws in China, Japan, and South Korea, aiming to provide insights for the development and improvement of China's public library law and promote better library services.

Japan's Library Law plays a fundamental role in the country's library legal system, consisting of three chapters: General Provisions, Public Libraries, and Private Libraries. The law transformed the image of public libraries as "tools for ideological guidance" [3] and promoted library development. Japan's library services currently rank among the international leaders, a success largely attributable to its Library Law.

### 2.3 Development of China's Public Library Law

China's library legislation began in the late Qing Dynasty, but due to historical constraints, progress was seriously delayed. The "Regulations for the Imperial Library and Provincial Libraries" promulgated in 1910 marked China's first library law, though it was never implemented. The "Library Regulations" announced in 1947 underwent multiple revisions but failed to form a unified library law. It was not until 2008 that the legislative work for the "Public Library Law of the People's Republic of China" (hereinafter referred to as the Public Library Law) was restarted. After ten years of joint efforts from all parties, the Public Library Law was finally promulgated and implemented on January 1, 2018. The law comprises six chapters with 55 articles, covering General Provisions, Establishment, Operation, Services, Legal Liability, and Supplementary Provisions, providing legal protection for the development of public libraries in China.

## 3 Comparative Analysis of Public Library Laws in China, Japan, and South Korea

Comparative law analyzes similarities and differences between legal systems. This study divides the content of library laws in the three countries into seven components: legislative purpose, definition, scope of application, principles for director and librarian qualifications, library funding, library services, and management operation. These are further summarized into five major aspects for comparison: legislative overview, legal system, management structure, staffing, and service content, analyzing both commonalities and differences to provide references for improving China's public library law and ensuring smooth implementation of library services.

### 3.1 Legislative Overview of Public Library Laws

**3.1.1 Legislative Purpose of Public Libraries** The legislative purpose constitutes the core of a law, reflecting its service objects, content, and nature. Clarifying the legislative purpose facilitates the development of public library services. All three countries specify their legislative purposes in Article 1. A

comparison (see Table 1 ) reveals that the legislative purposes primarily address three levels: first, from the people's perspective, libraries should meet public demand for scientific and cultural knowledge and related cultural activities; second, from the library's perspective, promoting the development of public libraries and their functions; and third, from a societal perspective, advancing socialist material and spiritual civilization, and inheriting human civilization. Additionally, Japanese and Korean public library laws state that their purpose is to define libraries' social responsibilities and regulate their fulfillment. As the core of the entire law, legislative purpose is crucial. Japan and Korea emphasize libraries' social responsibilities in their legislative purposes and stress the mandatory establishment system, further demonstrating society's need for libraries' contributions. To enable libraries to better serve society, their legislative purposes also regulate the fulfillment of library duties to promote social development. Although China's Public Library Law follows relevant regulations, it lacks explicit articulation of this aspect in its legislative purpose, failing to serve as a cautionary guide for regulating public library behavior.

**3.1.2 Definition of Public Libraries** The definition of public libraries is an indispensable component of library laws and regulations. All three countries provide clear definitions in their public library laws, showing both consensus and distinctive features. The consensus includes: (1) all three countries clearly define public libraries as open to everyone and accessible to the public; and (2) they emphasize the core tasks and fundamental work: collection, organization, preservation, research, and provision of materials. The distinctive features include: (1) China's Public Library Law follows international understanding of public libraries as "open to the public" while incorporating Chinese characteristics—"free of charge"; (2) Japan and Korea specify establishing entities in their definitions, whereas China does not limit establishing entities in its definition, with Japan and Korea having broader establishing entities including not only governments but also organizations; and (3) in functional positioning, China and Korea emphasize public libraries' social education functions, while Japan defines public libraries as institutions helping the public improve cultural literacy, conduct research, and engage in leisure activities, highlighting not only social education but also recreational functions.

**3.1.3 Scope of Application of Public Library Laws** Among the three countries' public library laws, only South Korea explicitly specifies the scope of application. Although Japan does not explicitly stipulate it in specific clauses, it indirectly indicates applicability to public and private libraries in its definition, with relevant provisions for both types in the law's articles. China's Public Library Law does not explicitly state its scope of application in the articles, but its title clearly limits it to public libraries. South Korea's Library Law Article 3 states that the law applies not only to public libraries but also to information institutes, information centers, reference rooms, data centers, cultural centers, and similar institutions recognized by the Minister of Culture, Sports

and Tourism according to presidential decrees, giving it an extremely broad scope. Japan's Article 2 specifies that the law applies to public libraries established by local public entities and private libraries established by the Japanese Red Cross or general incorporated associations/foundations. The comparison shows that China's Public Library Law has more targeted applicability, while Japanese and Korean library laws have broader scopes.

### 3.2 Legal System of Public Library Laws

Japan's library legal system comprises three major laws: the Library Law, the National Diet Library Law, and the School Library Law. The Library Law serves as the fundamental law, supplemented by the Library Law and School Library Law, collectively known as Japan's "Three Library Laws," forming the foundation of the entire legal system. Additionally, Japan has supporting regulations that supplement the Library Law. Similarly, South Korea's library legal system centers on the Library Law, supplemented by the Enforcement Decree and Enforcement Rules of the Library Law to better implement the basic law. The Library Law, as the fundamental law, has undergone multiple revisions and name changes, laying the foundation for revising other laws. South Korea has also promulgated numerous supporting library regulations to better promote the perfection of its library law.

Currently, China's library legal system uses the Public Library Law as the basic law, with various local regulations and rules as supplements. Compared with Japan and South Korea (see Table 2 ), local regulations and rules should serve as supporting laws for China's Public Library Law. However, because China's basic library law was promulgated later than local regulations and government rules, it cannot adapt to and supplement the basic law in a short time. Therefore, to properly handle the relationship between the basic law and supporting regulations, China should analyze and coordinate the relationship between the Public Library Law and local laws based on national conditions. Areas of disagreement should be discussed to formulate and revise local regulations and rules under the guidance of the basic law according to local conditions, thereby enabling better connection between the basic law and supporting regulations, as well as between central and local laws, providing legal guarantees for library development.

### 3.3 Management Structure of Public Libraries

Management structure refers to the structural form and management system of the management system [7]. Public library management structure generally includes three aspects: construction bodies, management agencies, and funding sources. This section clarifies the differences in construction bodies among the three countries and compares their similarities and differences in management agencies and funding sources, providing constructive ideas for improving China's public library management structure (see Table 3 ).

**3.3.1 Construction Bodies of Public Libraries** Construction bodies primarily refer to governments, legal persons, and citizens who guarantee the funding needed for public library construction [8]. Japan’s Library Law stipulates local and central governments as construction bodies, with Article 20 explicitly providing that necessary financial subsidies be given based on local library establishment within the national budget. Therefore, the central government serves as a supporting construction body by subsidizing local governments, while local governments are the main construction bodies bearing most management and daily expenses. Prefectural and municipal governments are important components of Japan’s local governments, obligated to establish public libraries in their jurisdictions and provide free reading services, especially in remote areas authorized by the Library Law. South Korea’s Library Law Article 15 specifies construction bodies, planning library funds according to “annual implementation plans” formulated by central administrative organs and municipal governments. Thus, the state and local autonomous bodies are South Korea’s main construction bodies, with the state being the central library construction body and local autonomous bodies being local public library construction bodies, supplemented by central government subsidies. Both Japan and Korea have central and local governments as construction bodies, with local governments as the main bodies. In contrast, China’s Public Library Law Article 4 stipulates that public library services be incorporated into the development scope of county-level and above governments, with all construction funds included in the budgets of corresponding governments. Therefore, county-level and above governments are China’s public library construction bodies, divided according to administrative divisions into central, provincial, municipal, and county-level governments, which are also responsible for establishing public library service networks in urban streets, communities, townships, and villages. All construction funds are included in corresponding government budgets, guaranteeing funding sources. Although no specific investment standards are defined, this represents progress conducive to promoting public library development.

**3.3.2 Management Agencies of Public Libraries** Management agencies refer to institutions within public libraries responsible for managing library affairs, primarily handling operation, services, and decision-making [9]. Japan’s Library Law Articles 15 and 16 specify that the necessity, administrative, and professional aspects of establishing public libraries require regulations by local government education committees, indicating that local government education committees are Japan’s public library management agencies. Library councils are permanent institutions serving as adjunct bodies to directors. Additionally, as the superior law to the Library Law is the Social Education Law, Article 1 of the Library Law explicitly states: “This Law is guided by the Social Education Law...” [5], which defines libraries as social education institutions, making education committees the management bodies. South Korea’s Library Law Article 46 states that the Minister of Culture, Sports and Tourism may delegate some authority to mayors according to presidential decrees and provide operat-

ing expenses. Article 47 specifies that the Minister is responsible for imposing fines. Therefore, South Korea's public library management body is the Ministry of Culture, Sports and Tourism. China's Public Library Law Article 5 stipulates: "The cultural administrative department of the State Council is responsible for the management of public libraries nationwide..." [6], indicating that the State Council's cultural administrative department is China's library management agency. China's Constitution also explicitly states that the state develops cultural undertakings such as libraries and museums, establishing the cultural administrative department as China's public library management body with both Public Library Law and constitutional authority.

**3.3.3 Funding and Sources for Public Libraries** Regarding funding and sources, South Korea's Library Law stipulates that the state and local autonomous bodies provide necessary funds for public libraries, with partial or full funding available from the Culture and Arts Promotion Fund. Japan's Library Law provides that the state may grant certain subsidies within budget limits for public libraries, while private libraries may request assistance from national and local public bodies to ensure necessary materials. China's Public Library Law requires county-level and above governments to increase investment in public libraries, include it in their budgets, and allocate funds promptly and in full [6]. None of the three countries' public library laws provide rigid provisions on specific funding amounts. However, Japan and South Korea have relatively complete supporting laws. Japan's "Measures for Local Funding of Book Purchase Expenses for Public Compulsory Education School Libraries" and South Korea's "Library and Reading Promotion Law" as supporting laws provide relatively clear statements on library funding investment, thereby ensuring that funding supports library development. China's Public Library Law was recently promulgated and not only lacks specific quantitative provisions on funding investment in the law itself but also has incomplete supporting laws, which may hinder the development of public library services and impede progress.

### 3.4 Staffing Provisions in Public Library Laws

Librarians are crucial human resources for library development. Japan's Library Law Article 13(1) explicitly stipulates staffing provisions, aiming to enable each public library's construction body to allocate professional librarians according to their circumstances. Regarding personnel structure, the "recruitment of librarians" as personnel management is determined by local autonomous governments' personnel policies, arranging staff numbers and professional qualification ratios according to population proportions. Additionally, Article 13(2) confirms director qualifications, requiring directors to have professional librarian qualifications and specifying required years of service. South Korea's Library Law Enforcement Decree Article 4(2) provides detailed explanations for Article 6(2) of the Library Law regarding librarian qualifications, specifying different qualification conditions for different library levels. For example, first-level senior librarians have the strictest requirements, needing a doctorate in library and information

science or library science, with clear service year requirements. The Library Law also includes corresponding revisions for librarian training and allocation, such as the Library Law Enforcement Rules Article 3, which specifies provisions for qualification applications and recognition of research experience. China's Public Library Law Article 19 addresses staffing, and Article 15 stipulates that corresponding staff should be allocated according to library functions and collection scale. However, detailed provisions on staff qualification recognition and service years are absent. Since public libraries implement a director responsibility system, and directors' qualifications require different service years based on region and level, these are only indicated in some local library regulations and rules, such as Articles 23 and 24 of the "Guangzhou Public Library Regulations," which specify educational requirements for management and professional personnel.

In summary, the three countries' library laws have completely different provisions on staffing. In comparison, Japan and South Korea have clear personnel structures and entry qualifications, while China's Public Library Law lacks unified standards for librarian qualifications, with no defined standards for educational requirements, professional knowledge and skills, or regional ratios. Theoretically, as China's basic public library law, it should provide fundamental provisions for local regulations and rules. However, the reality is that some local library regulations and rules have more detailed and explicit requirements for directors and librarians (see Table 4 ).

### 3.5 Service Content of Public Libraries

Libraries have always upheld the service philosophy of "user-centered." All three countries' public library laws explicitly specify service content, with Japan and Korea providing more detailed provisions than China. The commonalities mainly include: (1) core tasks: collecting, organizing, and preserving collection materials to provide inquiry and lending services; and (2) promoting reading activities, organizing various reading clubs, research groups, and public lectures to advance nationwide reading.

Additionally, Japan and South Korea share many similarities in service content: explicitly providing materials related to current affairs and serving local administrative departments; proposing the establishment of main-branch library systems, with Japan offering richer mobile lending services including bookmobiles and circulation points; emphasizing interlibrary lending and library cooperation, actively conducting collaborations with schools, museums, and cultural centers with broader cooperation scope. China's unique feature is providing public spaces or facilities such as reading rooms and study rooms to the public. Japan's unique feature is requiring librarians to fully understand library materials to provide reference consultation services. The comparison shows that China's provisions on public library service content are far less detailed and explicit than Japan's and South Korea's.

**3.5.1 Protection of Reader Privacy** Privacy is a fundamental right of citizens to personal life secrets and freedom protected by law, prohibiting interference by others. Library laws should protect readers' personal privacy. China's Public Library Law Article 43 stipulates that "libraries should properly protect readers' personal information, borrowing information, and other potentially privacy-related information, and must not sell or illegally provide it to others" [6]. Article 50(2) further specifies that violations will result in orders to correct the behavior and confiscation of illegal gains by cultural administrative departments. South Korea's Library Law Article 8 explicitly protects readers' personal privacy, formulating relevant policies, conducting librarian education and training, and implementing privacy protection measures. Japan's Library Law lacks relevant provisions on reader privacy protection. Although both China and South Korea have relevant provisions, their approaches differ. China explicitly defines privacy content requiring protection, while South Korea approaches from a protection measures perspective, proposing constructive regulations. The two countries should learn from each other to ensure both content and measures are addressed, thereby truly safeguarding readers' privacy rights.

**3.5.2 Attention to Vulnerable Groups** The UNESCO Public Library Manifesto states that "everyone has equal rights to access public library services without restrictions based on age, race, gender, religious belief, nationality, language, or social status. Users who cannot access conventional services and materials due to various reasons, such as ethnic minorities, disabled users, hospital patients, or prison inmates, must be provided with special services and materials" [10]. Regarding attention to vulnerable groups in public library laws, China and South Korea have explicit provisions, while Japan's Library Law is somewhat deficient in this aspect compared to China and South Korea. South Korea's Library Law Article 43(2) requires eliminating knowledge gaps, ensuring all citizens have equal access to library services regardless of physical, regional, economic, or social conditions, with requirements for collections, accessible facilities, professional personnel, and sharing systems. Notably, South Korea's description of vulnerable groups includes persons with disabilities and knowledge-information disadvantaged groups, which, while broader in service scope than China, is less targeted. China's Public Library Law Article 34 specifically points out that appropriate personnel, resources, equipment, and services should be provided according to the characteristics of children, elderly, and disabled persons, with specialized reading rooms established. Compared with Japan and South Korea, China's provisions on serving vulnerable groups are more targeted, though China should further expand its service population to ensure everyone can equally enjoy library services.

**3.5.3 Resource Sharing in Public Libraries** To achieve the "5A" information resource sharing goal (any citizen can access any information resources from any library at any time and any place), South Korea and Japan focus on cooperation entities. Japan's public library cooperation mainly involves col-

laboration with school libraries and other libraries. South Korea's cooperation entities are more diverse, including not only public, university, and specialized libraries but also museums, art galleries, and educational administrative institutions. China's Public Library Law Article 9 states: "The state encourages and supports international exchanges and cooperation in the field of public libraries"; Article 13: "The state establishes a convenient and practical public library service network covering urban and rural areas"; Article 30: "Public libraries should strengthen inter-library exchanges and cooperation"; and Article 48: "The state supports public libraries to strengthen exchanges and cooperation with school libraries, research institution libraries, and other types of libraries to provide joint services." Based on these resource sharing provisions, China not only specifies cooperation entities but also further elaborates on cooperation content: (1) cooperation entities involve three levels: international cooperation, regional cooperation, and cooperation between public libraries and university/research libraries; and (2) cooperation content includes establishing public library service networks covering urban and rural areas, joint procurement, joint cataloging, and joint services to achieve co-construction and sharing of literature information. Therefore, compared with Japan and South Korea, China's provisions on resource sharing demonstrate greater vision, better hierarchy, and richer content.

#### **4 Implications from South Korean and Japanese Library Laws for China**

Through comparative analysis of public library laws in South Korea, Japan, and China regarding legislative overview, legal system, management structure, staffing, and service content, it is evident that the development of library services in Japan and South Korea is closely linked to their library laws, providing valuable lessons for China. Three implications are proposed as follows:

##### **4.1 Improving the Public Library Legal System**

Improve the public library legal system and strengthen the connection between laws and local regulations. China's library legal system uses the Public Library Law as the basic law, supplemented by local regulations and rules. However, compared with Japan and South Korea, China's basic library law was promulgated later than local regulations and government rules. For example, the "Shenzhen Special Economic Zone Public Library Regulations (Trial)" was officially passed in July 1997, and there are currently 14 local regulations or rules. According to China's Legislation Law, the Public Library Law formulated by the Standing Committee of the National People's Congress has higher legal effect than local regulations and government rules, and local government rules should be formulated based on laws and local regulations, with local regulations also formulated according to legal provisions. However, the late promulgation of China's basic library law directly resulted in local regulations and rules lacking a unified basic law as their foundation before the formal implementation of the

Public Library Law in 2018, which contradicts the Legislation Law. In contrast, Japan and South Korea's basic laws predate other supplementary laws, laying the foundation for standardizing and systematizing their library legal systems. Additionally, since China's Public Library Law was implemented in January 2018, questions remain about whether superior laws can connect well with subordinate laws and whether special laws can coexist with general laws. Due to significant imbalances in economic and educational development across different regions, China should, based on national conditions, fully analyze and coordinate the relationship between the Public Library Law and local laws and regulations, discuss areas of disagreement, and formulate and revise local regulations and rules under the guidance of the basic law according to local conditions. Local regulations and rules can add relevant indicators to compensate for current deficiencies in the basic law, thereby achieving better connection between the basic law and supporting regulations, as well as between central and local laws, providing legal guarantees for library development.

#### 4.2 Clarifying Entry Thresholds for Librarians

Clarify entry thresholds for librarians and strengthen rigid principles for library construction. Many foreign library laws explicitly define librarian qualifications, but China still has individuals without library or information science backgrounds serving as library directors, which hinders library development. Although China's Public Library Law proposes requirements for staffing and qualifications, these are merely principled requirements lacking rigor, operability, and unified standards. Japan and South Korea have very clear staffing provisions. South Korea's Library Law stipulates that libraries with floor areas below 330m<sup>2</sup> should have 3 librarians, with one additional librarian for each additional 330m<sup>2</sup>; for collections exceeding 6,000 volumes, one additional librarian for each additional 6,000 volumes. Such explicit staffing provisions facilitate sustainable library development. Japan designates professional staff as "librarians" and "assistant librarians," with clear qualification requirements: (1) university graduates in the major; (2) university or junior college graduates who have completed librarian training; or (3) incumbents with three years of service who have completed librarian training. These professional requirements enable better reader services and library development. In contrast, China's Public Library Law proposes staffing based on five factors: library function, collection scale, building area, service scope, and service population, requiring staff to possess relevant professional knowledge and skills but without specific industry standards, leaving considerable autonomy to individual libraries. Therefore, standardizing librarian entry rules and staffing issues is an important problem urgently needing resolution in China's library development. Existing librarians should receive training to improve their quality, while for new librarians, China's Public Library Law should fully learn from Japan and South Korea's provisions on staffing and personnel levels to better guide practical work, improve professional quality, enhance management and service quality, establish a qualified librarian team, and prevent libraries from becoming "backyards" for

the old, weak, sick, and disabled.

### 4.3 Establishing Quantitative Funding Standards

Funding is an essential material foundation for ensuring the development and improvement of public undertakings, with library funding being key to ensuring the healthy operation of all library services. How to guarantee library funding investment in library law remains a core issue of continuous concern to the library community. Currently, China's library funding mainly comes from state financial allocations. Article 4 of China's Public Library Law stipulates that library funds should be included in the fiscal annual budget and allocated promptly and in full, but without quantitative provisions. As guiding basic laws in their countries, Japanese and Korean library laws do not explicitly specify quantitative standards for library funding investment in their main articles but provide clear provisions in supporting regulations. Japan's "Measures for Local Funding of Book Purchase Expenses for Public Compulsory Education School Libraries" specifies acquisition costs, office expenses, and management expenses through detailed tables. South Korea's "Library and Reading Promotion Law" provides detailed provisions on funding calculation requirements, fiscal revenue calculations, and funding adjustments under administrative regional changes. The biggest challenge facing China's library development is the absence of library funding, especially for grassroots libraries, making development difficult. To date, there is no scientific basis or specific standard to effectively guarantee library funding. Therefore, China can learn from Japan's quantitative funding investment standards and South Korea's funding allocation methods, or establish funding investment standards suitable for national conditions based on actual conditions. These can be clarified in supporting regulations of the Public Library Law to establish statutory standards and conditions for public library funding, ensuring statutory funding sources and promoting the healthy operation of China's library services.

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## Author Contributions

**Du Qi:** Determined the research topic, proposed research framework, and wrote and revised the paper.

**Li Yanni:** Collected research materials, proposed research ideas, and wrote and revised the paper.

**Gao Bo:** Proposed research ideas and revision suggestions, and revised the paper.

## The Comparative Study of Public Library Law in China, Japan and Korea

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**Abstract:** [Purpose/significance] By comparing with the relevant contents of public library law in Japan and South Korea, this paper provides reference for the development and improvement of public library law in China. [Method/process] The status for the development of the public library law in the three countries of China, Japan, and Korea will be introduced firstly. And then the similarities and differences of service content, the legislation, legal system, management system, and librarian setup in the three countries' public library law will be compared and analyzed. [Result/conclusion] So as to promote the further development of the library business, three suggestions for the development of library law in China are proposed: improving the legal system of public libraries; defining the entry thresholds for librarians; formulating quantitative standards for funding.

**Keywords:** Korea; Japan; China; public library law

*Note: Figure translations are in progress. See original paper for figures.*

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